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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): KIM A. HEITHOFF : Group Art Unit: 1614
Serial No.: 10/088,629 : Examiner: Phyllis G. Spivak
Filed: 03/19/2002 : Attorney Docket No. : AL01071K
For: TREATING ALLERGIC AND
INFLAMMATORY CONDITIONS :
X

OFFICIAL

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Schering-Plough Corporation
Patent Department K-6-1 1990
Kenilworth, NJ 07033

Sir:

Response

This is in response to the Official Action dated Oct.3, 2003 rejecting claims 9-55 as being unpatentable under 35USC§103(a).

Applicant respectfully requests reconsideration and withdrawal of the grounds of rejection.

Applicant encloses the following: (1) an Information Disclosure Statement and Form PTO - 1449 with copies of nine (9) references; (2) a Response Transmittal Form; (3) a Petition and Fee for a Two Month Extension of Time to Respond, (4) a Fee Transmittal Form (in duplicate), and (5) a Return Post Card.

Remarks

Claims 9-55 stand rejected under 35USC§103(a) as being unpatentable over Katz in view of Handley et al.

Applicant disagrees and requests reconsideration and withdrawal of the grounds of rejection.

Katz teaches administration of loratadine to students with seasonal allergic rhinitis who may experience decreased academic performance and productivity. Katz also discloses in the paragraph entitled "Goods of Pharmacological Intervention in Students with Allergic Rhinitis" on the top of page 46 that "young adults" are a different class of patient than the "general population", i.e., adults and are close to the "elderly". (emphasis added)

In the "Conclusion" on page 98, Katz provides the following teaching regarding "young" adults:

"clinicians should be aware that students are an active group that may benefit from treatment with the non-sedating second-generation antihistamines. Clinicians should have the ability to identify treatments that do not limit academic or physical performance in school-age patients." (emphasis added)

Applicant's claimed inventions is directed to methods of substantially returning workplace productivity of a person suffering from an allergic and/or inflammatory condition of

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the skin or passages to the person's baseline workplace productivity by administering an initial amount of desloratadine to said person effective for such returning.

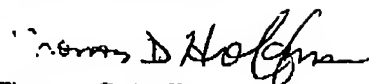
Applicant asserts that (1) Katz does not touch his claimed invention and that (2) Handley et al cures none of the deficiencies of Katz.

Handley et al teach using desloratadine to treat allergic asthma and dermatitis in humans while avoiding the liability of adverse side effects associated with the administration of non-sedating antihistamines. Such side effects are reported to include cardiac arrhythmia and tumor promotion. Applicant asserts that "such reported side effects" would unlikely be present in students or young adults so there appears to be no incentive to combine the teachings of Handley with Katz, without reference to applicant's own claimed invention.

Reconsideration and withdrawal of this ground of rejection is urged.

If applicant's attorney can be of any assistance in advancing prosecution, please contact him.

Respectfully submitted,



Thomas D. Hoffman

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